

REMARKS

I. INTRODUCTORY REMARKS

Claims 1-27 and 29 are pending in the application. Applicant's Representative gratefully acknowledges the time taken by Examiner Hewitt to conduct a telephone interview on September 15, 2010, to discuss the proposed claim amendments. By this Amendment, claims 1, 2, and 18 are amended to more particularly recite the features of the connector seal device. Claim 28 was previously canceled without prejudice or disclaimer. New claim 29 is added. Additionally, several amendments are made to the Specification, Abstract, and Drawings to overcome objections and correct other minor informalities. In view of the foregoing Amendment and following remarks, Applicant respectfully submits that the application is in condition for allowance and requests a notice stating the same. Reconsideration and withdrawal of the rejections are respectfully requested.

II. INFORMATION DISCLOSURE STATEMENT

On page 2 of the Office Action, the Examiner indicates that the Information Disclosure Statement (IDS) filed on January 4, 2006, has not been entered because copies of the cited foreign documents were not provided. However, as noted in the IDS, copies of these documents were to have been provided directly by WIPO under the exchange program that existed at that time between the U.S. Patent and Trademark Office, the European Patent Office, and the Japanese Patent Office. Nevertheless, submitted herewith is a Second Information Disclosure Statement including copies of the cited foreign language and non-patent literature documents.

III. OBJECTIONS TO THE DRAWINGS

On pages 2-3 of the Office Action, the drawings are objected to because a lead line is missing for reference character "4" in FIGS. 4, 5, and 7. According to the description of the depicted embodiment, reference character "4" refers to the inside contour of the pipe 1. Pursuant to 37 C.F.R. 1.84(g), lead lines are required for each reference character except for those which

indicate the surface or cross section on which they are placed and that such a reference character must be underlined to make it clear that a lead line has not been left out by mistake. While reference character “4” in each of FIGS. 1, 4, 5, and 7 is believed to correctly indicate the pipe inside contour (a surface), Applicant hereby submits three (3) Replacement Drawing Sheets adding a lead line for reference character “4” in each of FIGS. 1, 4, 5, and 7. Reconsideration and acceptance of the Replacement Drawing Sheets are respectfully requested.

IV. OBJECTIONS TO THE SPECIFICATION

On page 3 of the Office Action, the Abstract is objected to for several informalities. By this Amendment, a new replacement abstract is submitted that does not include the implied phrase “The invention relates to” or the legal term “said.” This is believed to overcome the objection. Reconsideration is respectfully requested.

V. CLAIM REJECTIONS UNDER 35 U.S.C. § 112

On page 3 of the Office Action, claims 1-27 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Office Action alleges that the phrase “in the manner of ratchet teeth” is unclear. The rejection is respectfully traversed. It is respectfully submitted that one of ordinary skill in the art, particularly in view of the disclosure (*see, e.g.*, numbered paragraphs 0004 and 0033 and FIGS. 3 and 8), would understand the phrase “in the manner of ratchet teeth” to mean, for example, that the recited locking ring zones, when engaged with one another during/after assembly of the connector seal device, allow linear motion of the pipe union relative to the elastomer insert in the insertion direction while substantially preventing motion in a direction opposite the insertion direction. During the telephone interview on Sept. 15, 2010, Examiner Hewitt agreed that this was clear from amended claim 1.

Additionally, claim 1 is hereby amended to more particularly recite the features of the first and second locking ring zones of the connector seal device. Claim 1, for example, now

recites that the first locking ring zone “comprise[s] a first plurality of ring-shaped teeth and ring-shaped grooves defining a saw-tooth shaped cross section.” Similar recitations are included for the second locking ring zone. These structural recitations are believed to further clarify the phrase “in the manner of ratchet teeth.” Reconsideration and withdrawal are respectfully requested.

VI. CLAIM REJECTIONS UNDER 35 U.S.C. § 102

On pages 4-5 of the Office Action, claims 1 and 4-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by European Patent document No. EP 0795712 A1 to Preisendorfer (“EP ‘712”). The rejection is respectfully traversed. Nevertheless, solely in the interests of expediting prosecution, claim 1 is hereby amended to more particularly recite the features of the connector seal device. Reconsideration and withdrawal are respectfully requested.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); *see* M.P.E.P § 2131. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1, as amended, recites a connector seal element for connecting a branch pipe to a transverse opening of a main pipe. The connector seal element includes, inter alia, a hollow elastomer inert and a pipe union. The elastomer insert includes a sealing wall region with an inside surface tapered in an insertion direction and having first locking ring zones. The first locking ring zones comprise a first plurality of ring-shaped teeth and ring-shaped grooves defining a saw-tooth shaped cross section. The pipe union includes an engagement end with an outside surface tapered in the insertion direction, the outside surface having second locking ring zones comprising a second plurality of ring-shaped teeth and ring-shaped grooves defining a saw-tooth shaped cross section. When the elastomer insert is inserted in the insertion direction into

the transverse opening and the pipe union is pushed in the insertion direction into the elastomer insert, the first and second locking ring zones engage in the manner of ratchet teeth and the elastomer insert is expanded and pressed further against the transverse opening through the continued displacement of the pipe union in the insertion direction.

EP '712 purportedly relates to a connection device having an elastomeric insert 10 and a connecting pipe 20 which are *threadedly* engaged. Elements threadedly connected to one another cannot be said to be engaged in the manner of ratchet teeth. Accordingly, EP '712 fails to teach or suggest each and every element of the connector seal device recited in amended claim 1, including a pipe union that can be *pushed* in an insertion direction into an elastomer insert such that respective locking ring zones of the elastomer insert and pipe union engage in the manner of ratchet teeth. Claims 4-11 depend from claim 1 and are submitted as being allowable for at least the same reasons. Reconsideration and withdrawal of the rejection are respectfully requested.

VII. CLAIM REJECTIONS UNDER 35 U.S.C. § 103

On pages 5-6 of the Office Action, claims 2-3 and 12-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over EP '712 in view of Official Notice taken by the Examiner. The rejection is respectfully traversed. Reconsideration and withdrawal are respectfully requested.

“Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined.” *Graham v. John Deere*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966). “Often, it will be necessary . . . to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To

facilitate review, this analysis should be made explicit.” *KSR Int’l v. Teleflex, Inc.*, 550 U.S. 398, 418, 82 USPQ2d (BNA) 1385, 1396 (2007). “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be *some articulated reasoning with some rational underpinning* to support the legal conclusion of obviousness.” *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006) (emphasis added), cited with approval in *KSR Int’l v. Teleflex, Inc.*, 550 U.S. at 418, 82 USPQ2d at 1396.

As noted above, claim 1 is amended to more particularly recite the features of the first and second locking ring zones, in particular that the locking ring zones each comprise a plurality of ring-shaped teeth and ring-shaped grooves defining a saw-tooth shaped cross section. Claim 1 further recites that when the pipe union is *pushed* in the insertion direction into the elastomer insert, the first and second locking ring zones *engage in the manner of ratchet teeth*. The threaded connection of EP ‘712 fails to teach or suggest these features and, notwithstanding the taking of Official Notice, the proposed rejection fails to provide some articulated reasoning with some rational underpinning as to why it would have been obvious to modify EP ‘712 accordingly. Claims 2-27 and 29 depend from amended claim 1 and are believed to be allowable for at least the same reasons.

With regard to the proposed rejection of claims 12-15 (which depend variously from claim 1), the Applicant respectfully submits that the recitation of a second elastomer insert and hollow press-on cone adapted to be inserted into the same transverse opening from an inside of the main pipe (and thereby used in conjunction with the first elastomer insert and pipe union) is not mere “duplication of essential working parts.” The Office Action fails to point to evidence in EP ‘712 that the connection device shown and described therein could be utilized on an inner side of main pipe 1 nor does the Office Action provide some articulated reasoning with some rational underpinning as to why it would have been obvious to modify EP ‘712 to also include such features.

Additionally, at least with regard to claims 2 and 16-27, the Applicant traverses the numerous baseless assertions of Official Notice taken in the Office Action and demands that the Examiner provide documentary evidence in the next Office Action if the rejection is to be maintained. *See* M.P.E.P. § 2144.03(c). Each of the recited features in at least these claims is not believed to be

“capable of such instant and unquestionable demonstration as to defy dispute.” *Id.* If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. *See* 37 CFR 1.104(d)(2).

VIII. CONCLUSION

Claims 1-27 and 29 are pending in the application. All of the stated grounds of objection and rejection are believed to have been properly overcome, traversed, or rendered moot. The Applicant respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. The Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. An early notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that a personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration on the merits is respectfully requested.

Respectfully submitted,

Date: September 16, 2010

By /Ryan M. Flandro/
Robert Kinberg
Registration No. 26,924
Ryan M. Flandro
Registration No. 58,094
VENABLE LLP
P.O. Box 34385
Washington, D.C. 20043-9998
Telephone: (202) 344-4000
Telefax: (202) 344-8300
Attorneys/Agents for Applicant